

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

KIRK D. ROBINSON,

Plaintiff,

v.

RICHARD KOPF, District Judge (Ret.), and  
JOSEPH BATAILLION, District Judge,

Defendants.

**8:23CV452**

**MEMORANDUM  
AND ORDER**

This matter is before the court on Plaintiff's Motion for Leave to Proceed in Forma Pauperis ("IFP"). ([Filing No. 5](#).) Upon consideration, Plaintiff is permitted to proceed IFP.

Prisoner plaintiffs are required to pay the full amount of the court's \$350.00 filing fee by making monthly payments to the court, even if the prisoner is proceeding IFP. 28 U.S.C. § 1915(b). The Prison Litigation Reform Act ("PLRA") "makes prisoners responsible for their filing fees the moment the prisoner brings a civil action or files an appeal." *In re Tyler*, 110 F.3d 528, 529–30 (8th Cir. 1997); *Jackson v. N.P. Dodge Realty Co.*, 173 F. Supp. 2d 951 (D. Neb. 2001).

Here, Plaintiff has already paid the Court's \$350.00 filing fee after the Court applied Plaintiff's \$350.00 overpayment in Case No. 8:23CV418 towards the filing fee in this case. In accordance with the Court's October 24, 2023 Memorandum and Order, [Filing No. 4](#), Plaintiff filed the present IFP Motion on November 2, 2023, [Filing No. 5](#). In accordance with the PLRA, Plaintiff is granted leave to proceed IFP in the present case, and he has satisfied his obligation to pay the full amount of the Court's \$350.00 filing fee.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed IFP ([Filing No. 5](#)) is granted.
2. Plaintiff has paid the full amount of the Court's \$350.00 filing fee and no further filing fee payments are due.
3. Plaintiff is advised that the next step in Plaintiff's case will be for the Court to conduct an initial review of Plaintiff's claims to determine whether summary dismissal is appropriate under 28 U.S.C. § 1915(e)(2). The Court will conduct this initial review in its normal course of business.

Dated this 1st day of December 2023.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
Chief United States District Judge